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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 FEDERAL TRADE COMMISSION, *et al.*,

10 Plaintiffs,

11 v.

12 AMAZON.COM, INC., a corporation,

13 Defendant.

CASE NO.: 2:23-cv-01495-JHC

CASE MANAGEMENT ORDER

14 Pursuant to the Joint Status Report and Discovery Plan, Dkt. # 135, submitted by the
15 parties, and the scheduling conference on February 8, 2024, Dkt. # 151, the Court orders that the
16 following shall govern the proceedings:

17 **1. Status Conferences**

18 a. The Court will hold quarterly telephonic status conferences, starting June
19 3, 2024. The dates and times of the conferences are set forth in the Case Scheduling Order. Dkt.
20 # 159.

21 b. The parties shall submit a joint status report no later than three court days
22 before each scheduled status conference containing a brief update regarding the status of
23 discovery, any discovery disputes where the Court's guidance could be productive, and any other
24 matters the parties wish to bring to the Court's attention. Any party that intends to raise a

1 discovery dispute in the joint status report shall notify the other side of its intent to do so, in
2 writing, no later than five court days before the joint status report is due. Nothing herein shall
3 preclude any party from otherwise submitting discovery disputes in accordance with the
4 procedures of the Local Rules or this Order.

5 **2. Document Requests**

6 a. The parties must serve responses and objections to requests for production
7 of documents within 30 days as required by FRCP 34, unless otherwise agreed by the parties. At
8 the time it serves its responses, the producing party will provide estimated dates for when it will
9 begin rolling document productions of the documents it has agreed to produce in its responses
10 and for the completion of that production, or alternately propose a date for an inspection of
11 documents.

12 b. Within 14 days of service of any responses and objections, the parties
13 must start the meet and confer process in good faith regarding any disputes, including disputes
14 regarding the producing party's responses and objections, the scope of the producing party's
15 collection, search, and review of documents (including regarding custodians and any search
16 methodology, if applicable), and the timing of document production.

17 c. All document productions shall be made on a rolling basis.

18 d. To the extent that there is a dispute regarding the fact or scope of
19 production that affects the producing party's ability to provide estimated times for when it will
20 begin and complete its document production, the producing party will supplement its good-faith
21 estimates, or alternately propose a date for an inspection of documents, upon the resolution of
22 such disputes.

1 **3. Structured Data**

2 a. Paragraphs 2(a) through 2(d) above apply to requests for production of
3 structured data.

4 b. If a party identifies sources of its own structured data in its Rule 26(a)(1)
5 disclosures, or in supplements or amendments to such disclosures, the party shall provide
6 samples and data dictionaries for all such sources of structured data within 45 days of
7 identification.

8 c. Any significant volume of data may be produced by AWS s3 buckets to
9 facilitate efficient transmission of the data.

10 d. These deadlines shall not be construed as limiting the parties' ability to
11 issue discovery requests, or as limiting the scope of those requests.

12 **4. Interrogatories**

13 a. Each side is limited to 40 interrogatories in total, including discrete
14 subparts. Each side reserves the right to ask the Court for leave to serve additional
15 interrogatories. If the same interrogatory is served on multiple Plaintiffs, it shall count as a
16 single interrogatory, regardless of the number of Plaintiffs served.

17 b. The parties must serve responses and objections to interrogatories within
18 30 days as required by FRCP 33, unless otherwise agreed by the parties. If the responding party
19 opts to respond by producing business records pursuant to FRCP 33(d), Paragraphs 2(a) through
20 2(e) above shall apply.

21 c. Within 14 days of service of any responses and objections, the parties
22 must start the meet and confer process in good faith regarding any disputes, including disputes
23 regarding the producing party's responses and objections, whether any interrogatory may be
24 satisfied by the production of documents or structured data, the scope of the producing party's

collection, search, and review of documents, if applicable (including regarding custodians and any search methodology, if applicable), and the timing of document production, if applicable.

5. Requests for Admission

a. Each side is limited to 200 requests for admission in total. Requests for admission relating solely to the authentication or admissibility of documents, data, or other evidence (which are issues that the parties must attempt to resolve initially through good-faith negotiation) do not count against these limits. Each side reserves the right to ask the Court for leave to serve additional requests for admission.

b. The parties must serve responses and objections to requests for admission within 30 days as required by FRCP 36, unless otherwise agreed by the parties.

c. The close of fact discovery shall not limit requests for admission regarding authentication or admissibility.

6. Depositions

Reserved.

7. Discovery on Nonparties. The requesting party must provide all other parties with a written record of any oral or written modifications, extensions, or postponements to the discovery request within 3 court days of the modification, extension, or postponement. Every discovery request to a nonparty shall include a cover letter requesting that the nonparty provide copies of all productions to both the requesting party and the other side at the same time.

8. Expedited Joint Motion Procedure. The parties may use the expedited joint motion procedure for discovery disputes in LCR 37(a)(2), at the moving party's election. The parties may also file discovery motions using the standard procedure set forth in LCR 7.

9. Service of Pleadings and Discovery on Other Parties. Service of all pleadings, motions, and other papers that are filed shall be made by ECF (which will send notice to all

parties and nonparties registered with ECF). Service of all discovery notices, requests (including subpoenas for testimony or documents under FRCP 45), and written responses shall be made by email to the persons whose email is listed below. If the volume of attachments makes service by email impracticable, a party shall make service via a secure FTP service or overnight delivery to the persons listed below. The parties may modify this list by agreement.

Plaintiffs

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1 Thomas O. Barnett, tbarnett@cov.com

2 **10. Presumptions of Authenticity.** Documents produced by parties and nonparties
3 from their own files shall be presumed to be authentic within the meaning of Federal Rule of
4 Evidence 901. Any good-faith objection to a document's authenticity must be provided with the
5 exchange of other objections to intended trial exhibits. If the opposing side serves a specific
6 good faith written objection to the document's authenticity, the presumption of authenticity will
7 no longer apply to that document and the parties will promptly meet and confer to attempt to
8 resolve any objection.

9 **11. Nationwide Service of Process.** To assist the parties in planning discovery, and
10 in light of the geographic dispersion of potential witnesses in this action, the Court finds that
11 there is good cause shown to permit the parties, under 15 U.S.C. § 23, to issue nationwide
12 discovery and trial subpoenas from this Court. The availability of nationwide service of process,
13 however, does not make a witness who is otherwise "unavailable" for purposes of FRCP 32 and
14 FRE 804 "available" under these rules regarding the use at trial of a deposition taken in this
15 action.

16 **12. Modification.** Any party may seek modification of this order, for good cause.

17 IT IS SO ORDERED.

18 DATED: February 13, 2024

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20 John H. Chun
21 UNITED STATES DISTRICT JUDGE
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